

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVONTE HAZEL, HOPE NPIMNEE, and
TITUS WILLIAMS,

Plaintiffs,

vs.

STATE OF NEBRASKA, LANCASTER
COUNTY JAIL, and WILLIAM GORACKE,

Defendants.

8:22CV409

MEMORANDUM AND ORDER

On December 6, 2022, the Court issued an order notifying non-lead Plaintiffs, Davonte Hazel (“Hazel”) and Titus Williams (“Williams”), of their responsibilities in this multi-plaintiff action, giving them 30 days from the date of entry of the order to advise the Court whether they wished to continue as a Plaintiffs in this group action, to be dismissed from the action without assessment of a filing fee, or to pursue their claims individually in a separate lawsuit, severing their claims into a new action. [Filing No. 7](#). Each plaintiff was also instructed to file individual motions to proceed *in forma pauperis* (“IFP”) if they did not wish to be dismissed from the action. [Id.](#)

On December 12, 2022, in compliance with the December 6 Order, both non-lead Plaintiffs Hazel and Williams, along with lead plaintiff Hope Npimnee (“Npimnee”) filed notices seeking to pursue their claims individually, severing them from the other plaintiffs’

claims (the “Severance Notices”). [Filing No. 8](#); [Filing No. 10](#); [Filing No. 12](#). Along with the Severance Notices, each plaintiff filed individual motions to proceed IFP. See [Filing No. 9](#); [Filing No. 11](#); [Filing No. 13](#).

Upon review of the Severance Notices, the Court finds that severance is appropriate.

IT IS THEREFORE ORDERED that:

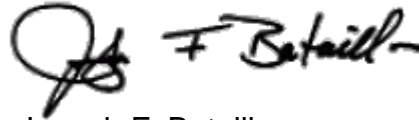
1. The non-lead Plaintiffs, Hazel and Williams, shall be severed from this case.
2. The Clerk’s Office is instructed to open a new case for Hazel, filing a copy of the Complaint, [Filing No. 1](#), and a copy of his IFP motion, [Filing No. 11](#), from the instant matter, and after the new case is opened, request an institutional trust account statement for Hazel.
3. The Clerk’s Office is instructed to open a new case for Williams, including a copy of the Complaint, [Filing No. 1](#), and a copy of his IFP motion, [Filing No. 13](#), from the instant matter, and after the new case is opened, request an institutional trust account statement for Hazel.
4. The lead plaintiff Npimnee’s case shall remain under the instant case number 8:22-cv-409.
5. The Clerk’s Office is instructed to update the case caption to reflect Hope Npimnee as the only plaintiff remaining in this case and to request an institutional trust account statement for Npimnee.
6. As the Motion for Summons, [Filing No. 4](#), was filed on behalf of all plaintiffs Npimnee, Hazel, and Williams, it is hereby denied without prejudice.¹

¹ The motion for summons is also premature. Before Plaintiffs’ claims may proceed to service of process, the Court must review the complaint to determine if it is frivolous or malicious, fails to state a claim upon

7. The Motion to Appoint Counsel, [Filing No. 3](#), filed only by plaintiff Npimnee, will remain on the docket and shall be addressed by this Court in due course.

Dated this 19th day of December, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large initial "J" and a long horizontal stroke extending to the right.

Joseph F. Bataillon
Senior United States District Court

which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief.
See 28 U.S.C.A. § 1915A.